

REMARKS

Several clarifying amendments have been made to correct discrepancies in the claim dependencies, and to thereby place the claims in better form for examination on the merits.

In the Official Action, the Examiner has made a 9-way restriction requirement in this application, between the following groups:

I – Claims 9 and 10, drawn to a hybrid propulsion system wherein the aqueous solution of hydrogen peroxide additionally contains at least one of ammonium dinitramide and hydrazinium nitroformate;

II – Claims 11 to 13, drawn to a hybrid propulsion system wherein the aqueous solution of hydrogen peroxide additionally contains an oxidizer;

III – Claims 15 to 17, drawn to a hybrid propulsion system wherein the fuel grain additionally contains a metal;

IV – Claims 19 and 20, drawn to a hybrid propulsion system wherein the fuel grain contains a solid oxidizer;

V – Claims 21 and 22, drawn to a hybrid propulsion system wherein the fuel grain contains an energetic filler;

VI – Claims 23 and 24, drawn to a hybrid propulsion system wherein the fuel grain contains an energetic plasticizer;

VII – Claims 25 and 26, drawn to a hybrid propulsion system wherein the fuel grain contains an energetic polymer;

VIII – Claim 27, drawn to a hybrid propulsion system wherein the fuel grain contains a ballistic or processing modifier; and

IX – Claims 28 and 29, drawn to a hybrid propulsion system wherein the fuel grain contains a hydrogen peroxide decomposition catalyst.

Claims 1 to 8 are linking claims and will be examined with the claims of the elected invention.

The Examiner has also made a complex multi-way election of species requirement among 43 allegedly independent and distinct species.

In order to be fully responsive to the Official Action, applicant provisionally elects the claims of Group III (Claims 15 to 17) and Species T, wherein the hydro-reactive metal is a hydride form, which hydride form is aluminum hydride.

However, applicant strenuously traverses this requirement for restriction and election of species. The present application is straightforward and does not have an undue number of claims. This application should not be chopped up into multiple pieces such that Applicant would be required to prosecute as many as nine separate patent applications (or more if the election of species requirement is adhered to) in order to obtain the full scope of protection to which he is entitled.

More particularly, the Examiner's proposed grouping of the claims is arbitrary and without any proper basis. For example, the examiner contends that claims 9 and 10 are separate and distinct from claims 11 to 13, yet all of the claims are concerned with oxidizers. Claim 11 mentions oxidizers generally while claim 9 recites specific oxidizer compositions that can come within the scope of claim 9. See applicant's specification at page 5, lines 25 to 35. The Examiner has also separately grouped claims 19 and 20, which also recite oxidizers, as a further separate and distinct invention. It is also improper and arbitrary for the Examiner to hold that the use of modifiers and catalysts (Groups VIII and IX) are separate and distinct inventions. *so lid*

Wrong The Examiner attempts to justify the requirement for restriction on the basis of combination-subcombination inventions. However, the Examiner has failed to demonstrate two way distinctness which is required to support restriction between combination and subcombination inventions (MPEP 806.05(c), and has also failed to show that there is a separate classification, status or field of search for the nine separate groups of claims. Moreover, it is noted that all nine of the allegedly separate groups have the same classification. Since Claims 1 to 29 have been classified in Class 60 subclass 251 and, since it has not been shown that it is

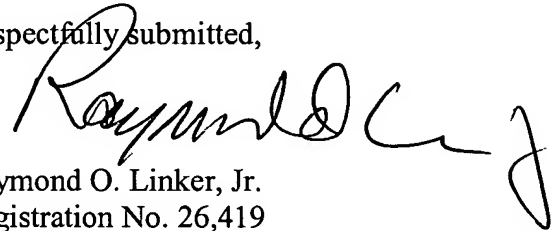
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necessary to search for one of the subjects in places where no pertinent art to the other subject exists, it is respectfully submitted that no reason exists for dividing claims 1 to 29.

Likewise, the Examiner has not properly substantiated the basis for requiring an election of species as is set forth in MPEP 806.04(a) to 806.04(i).

Accordingly, Applicant requests withdrawal of the restriction and election of species requirement, and action on the merits of Claims 1 to 29 as now presented.

Respectfully submitted,

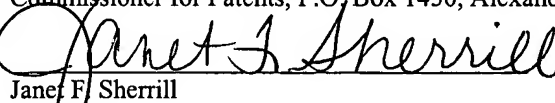


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